

06-141M.

RCK:james/release violation

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division

THE UNITED STATES OF AMERICA)

BY _____ DEPUTY

v.)

CRIMINAL NO. AMD-01-034

UNDER SEAL

ANWAR JAMES,)

Defendant.)

...cOo...

GOVERNMENT'S MOTION FOR REVOCATION OF RELEASE
ORDER AND REQUEST FOR AN ARREST WARRANT

The United States of America, through undersigned counsel and pursuant to 18 U.S.C. section 3148, hereby requests (1) that the Court schedule a proceeding for revocation of the pretrial release order pertaining to Anwar James, (2) that the Court issue an arrest warrant for the defendant, and (3) that the Court issue an order sealing this motion until the arrest warrant has been executed, and in support therefor states as follows:

1. On November 8, 2000, defendant Anwar James made an initial appearance after arrest on a charge of participation in a conspiracy to import cocaine. At a detention hearing on November 15, 2000, the defendant was ordered detained by agreement.

2. At a bail review hearing on January 19, 2001, the defendant was released under Pretrial Services supervision and other conditions of release.

3. On February 9, 2001, the defendant entered a plea of guilty to the conspiracy.

Q/S

4. On December 11, 2001, Magistrate Judge Paul W. Grimm approved a request to modify the release conditions to remove electronic home monitoring and left all other release conditions in place.

5. By memo dated September 18, 2002, Pretrial Services Officer Christina Stockton advised that the defendant failed to report to her office on August 21, 2002, as instructed. Ms. Stockton also reported that on August 27th, she made a field visit to the defendant's residence and found no one home. Ms. Stockton spoke with the defendant's third-party-custodian on September 3rd and 5th and left a message that the defendant was to report personally to the Pretrial Services Office. According to Ms. Stockton, the defendant failed to report on September 6th.

6. On September 26, 2002, Ms. Stockton advised by telephone that the third-party-custodian had contacted her and reported that the defendant had apparently packed his belongings and left the residence.

7. By failing to report to the Pretrial Services Officer as directed and by changing his residence without informing the Pretrial Services Officer or the Court, the defendant is in violation of his pretrial release conditions. Because the defendant has apparently moved in violation of his release conditions, there is no way to notify him to appear in court for a hearing on this motion, and it is unlikely that he would appear if

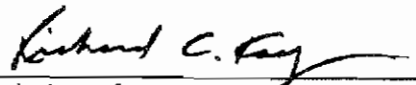
notified.

8. According to 18 U.S.C. section 3148(b), the Court may issue a warrant for the arrest of a person charged by motion with violation of pretrial release conditions. Because public information about the existence of an arrest warrant could make it more difficult for government agents to find and apprehend the defendant, the government respectfully requests that the Court seal this motion until the warrant is executed.

WHEREFORE, the government requests (1) that the Court schedule a proceeding for revocation of the pretrial release order pertaining to Anwar James, (2) that the Court issue an arrest warrant for the defendant, and (3) that the Court issue an order sealing this motion until the arrest warrant has been executed. A draft order is submitted herewith for the convenience of the Court.

Respectfully submitted,

Thomas M. DiBiagio
United States Attorney


Richard C. Kay
Assistant United States Attorney
U.S. Courthouse
101 W. Lombard Street
Baltimore, Maryland 21201
(410) 209-4850

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division

THE UNITED STATES OF AMERICA)

v.)

ANWAR JAMES,
Defendant.)

...oOo...

CRIMINAL NO. AMD-01-034

UNDER SEAL FILED ENTERED

LODGED RECEIVED

OCT 07 2002

ORDER

AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND DEPUTY

After a review of the government's Motion for Revocation of Release Order and Request for an Arrest Warrant, and the record, it is this 7th day of October 2002, ORDERED as follows:

1. The motion is hereby GRANTED.
2. The Clerk of the Court shall issue a Bench Warrant for the arrest of the above-named defendant, ANWAR JAMES, who is charged in the motion with violation of pretrial release conditions in violation of 18 U.S.C. section 3148, and whose whereabouts are presently unknown.
3. It is further ORDERED that the government's motion shall be UNDER SEAL until the defendant is in custody; after which time, a copy of the motion shall be provided to the defendant by the government.
4. The Clerk of the Court shall provide two copies of this order to Richard C. Kay, Assistant U.S. Attorney.

Andre M. Davis

Andre M. Davis
United States District Judge

AM 10/7/02

[Signature]